

Daniel Webster

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

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MARYLAND SHALL ISSUE, INC., :  
et al., :  
: Case No:  
Plaintiffs : 16-cv-3311-MJG  
:   
-vs- : Pages 1 - 337  
:   
LAWRENCE HOGAN, in his :  
capacity of Governor of :  
Maryland, et al., :  
:   
Defendants :  
-----X

Deposition of Daniel Webster, Ph.D.  
Washington, D.C.  
Wednesday, June 13, 2018

Reported by: Kathleen M. Vaglica, RPR, RMR  
Job No: 409352

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EXHIBIT  
3

1           A.    No, they are not the same.  So no, none of  
2   those states are exactly like Maryland.  So one  
3   similarity between Connecticut and Maryland is that  
4   they both require, they both require safety training  
5   before you can get it.  They both require  
6   fingerprinting.  They both require, in addition to  
7   having a valid permit or license, that at a point of  
8   sale there is still an initial background check  
9   done.

10               Those are the things that I can recall  
11   right now that are similar between Connecticut  
12   and -- the issuance is different in that Connecticut  
13   you go directly to the law enforcement agency as  
14   opposed to Maryland.

15           Q.    All right.  And do you know what the  
16   requirements for the training in Connecticut are  
17   compared to Maryland?

18           A.    They are longer I know.  I know the course  
19   requirement is, like, an eight-hour course as  
20   opposed to a four-hour course.

21           Q.    They require the basic NRA pistol course  
22   or equivalent; correct?

1           A.    I think that's right, yes.

2           Q.    Do you know the difference between the NRA  
3    basic pistol course and the Maryland training  
4    requirements?

5           A.    I don't.

6           Q.    And the fingerprinting requirement in  
7    Connecticut has to be obtained through a law  
8    enforcement agency; correct? You actually have to  
9    go to --

10          A.    Yes.

11          Q.    -- a law enforcement agency to give your  
12    fingerprints unlike Maryland; correct?

13          A.    Yes, mm-hmm.

14          Q.    And Connecticut requires a photo for its  
15    permit; correct?

16          A.    Yes.

17          Q.    Now, you didn't mention that as a  
18    requirement of Maryland. Do you know whether or not  
19    Maryland requires a photo on its Handgun  
20    Qualification License?

21          A.    Well, I don't think they require a photo  
22    that's done, you know, when you're applying. No, I

1 requirement include Connecticut, Hawaii, Iowa,  
2 Massachusetts, Michigan, again, with the caveat that  
3 I already mentioned, New Jersey, New York, and  
4 District of Columbia.

5 Q. And you've done some study on the PTP law  
6 in Missouri; correct?

7 A. Yes.

8 Q. And that was repealed some years ago; am I  
9 correct?

10 A. Yes. Effective August 28, 2007.

11 Q. And that's never been reinstated in  
12 Missouri?

13 A. That's correct.

14 Q. And what did it require in terms of the  
15 elements of training? Was training required in  
16 Missouri under the old PTP law there?

17 A. I don't believe it was.

18 Q. And was fingerprinting required?

19 A. No.

20 Q. But they -- the individuals obtaining  
21 their PTP in Missouri under the old law did have to  
22 appear at a law enforcement agency; correct?

1           A.    Yes, they did.  Yes.

2           Q.    And so a critical difference between  
3   Maryland and Missouri is that Maryland requires  
4   training and fingerprinting, which Missouri did not?

5           A.    Yes.

6           Q.    But Missouri required in-person appearance  
7   at a law enforcement agency, which Maryland does  
8   not; is that correct?

9           A.    That's correct.

10          Q.    And Connecticut requires training like  
11   Maryland, but much more training; correct?

12          A.    Well, in terms of hours, double the hours,  
13   yeah.

14          Q.    And maybe not any live fire at all?

15          A.    Yeah, I don't remember for Connecticut.

16          Q.    And Connecticut requires a photo ID, but  
17   Maryland doesn't; correct?

18          A.    Correct.

19          Q.    And Connecticut requires that the permit  
20   application be submitted in person at a law  
21   enforcement agency, and Maryland does not; correct?

22          A.    Correct.

1 going to purchase a handgun, you needed to get a  
2 permit. And that was always step one. I think  
3 that's the most important.

4 Q. And that was a permit that you had to  
5 apply directly to a law enforcement agency in  
6 Missouri to get; correct?

7 A. Yes.

8 Q. Unlike Maryland?

9 MR. SCOTT: Objection.

10 THE WITNESS: Correct.

11 BY MR. SWEENEY:

12 Q. And Missouri didn't require fingerprinting  
13 like Maryland requires fingerprinting, did it?

14 A. That's right.

15 Q. And it didn't require training either;  
16 correct?

17 A. That's correct.

18 Q. So, if we're looking for a common  
19 denominator, there's only one common denominator  
20 between the Missouri PTP law and the HQL, and that's  
21 the requirement of a permit in order to purchase; am  
22 I correct?

1           A.     Yes.

2           Q.     Do any of the components of the Firearms  
3     Safety Act, other than the HQL, not have any effect  
4     on firearms violence?

5           A.     I have to go through all of these  
6     provisions.

7           Q.     Just the ones you talked about.  Would  
8     they not have any effect at all or do you think  
9     they'd have some effect on preventing firearms?

10          A.     I think some effects.  Some of them would  
11     be more gradual than others.  So, for example, like  
12     an enhanced regulatory capacity for State Police  
13     with respect to licensed gun dealers, it may be that  
14     is a more gradual effect as compliance increases and  
15     the degree to which the State Police demonstrate  
16     that there are consequences to not following the  
17     laws.

18                 So that is sort of a question mark of how  
19     quickly that might impact laws.  The data we have  
20     about licensing suggests that, when you have a new  
21     law, there's generally some impact that grows a  
22     little bit over time, but that's my own opinion is

1 by Collins and colleagues this year they found  
2 that -- and I can pull it up probably quickly here  
3 or it's actually in my report. Anyway, they made  
4 distinctions between fingerprinting, discretionary  
5 permitting, so there's only three states that allow  
6 some discretion meaning, even if you don't meet a  
7 disqualifier, if something is, there's a red flag,  
8 so to speak, in someone's record, they can use  
9 discretion to deny. That's the most restrictive  
10 form of licensing with fingerprinting and then all  
11 other licensing.

12 And, basically, there was a dose response  
13 kind of effect that the strongest effects were for  
14 those that allow discretion. Second strongest was  
15 those that required fingerprinting.

16 Q. So in your own studies of Missouri and  
17 Connecticut and Maryland under PTP laws, have you  
18 been able to identify any, a special value to  
19 fingerprinting as opposed to the other elements of  
20 the PTP law in effect in a particular jurisdiction?

21 A. Not with those three separate studies I  
22 can't say that we have. Basically, what we've done,



1     this is what we did in each case is -- well, I'll  
2     take it one by one. So Missouri we were interested  
3     in understanding what happens when you take a law  
4     away that other research suggests might be important  
5     for preventing diversion of guns for criminal use.

6             Connecticut we are looking at the impact  
7     of that particular policy and its effect. One  
8     reason we chose those two policy change times is  
9     that, until the Firearms Safety Act of 2013 in  
10    Maryland, those were the two most recent changes  
11    that were, could be studied.

12            So now we're, with the Maryland law we're  
13    been able to first look at indicators of diversions  
14    from crime gun trace data. We've been able to look  
15    at survey data from people involved in underground  
16    gun market, and now we've had some early data on  
17    homicides from an extended analysis of a paper that  
18    we published recently in the Journal of Urban Health  
19    looking at the effects of state firearm policies on  
20    homicide rates in large urban counties.

21            So what the published study found was an  
22    average, aggregated average across all of the

1 policies 14 percent reduction in firearm homicide  
2 rates in that study that covered data from 1981  
3 through 2015. As I presented in the report, my  
4 report, we were interested to understand what was  
5 going on in Maryland and also understanding probably  
6 at least a third of my time is focused on  
7 understanding what's going on in Baltimore and its  
8 gun violence program and different strategies to  
9 address it. I've been mostly studying local  
10 policing and community prevention programs.

11 But through my studies and another study  
12 published by Steven Morgan at Johns Hopkins it was a  
13 very well-known phenomenon that occurred in  
14 Baltimore following the death of Freddie Gray, the  
15 in-custody death of Freddie Gray that led to broad  
16 civil unrest and riots, documented change in  
17 policing practices, sort of an underpolicing, a step  
18 back by the police department.

19 So, depending on the statistical model of  
20 sort of what was the impact of that civil unrest in  
21 the Freddie Gray case, anywhere from 50 percent to  
22 100 percent increase in shootings and homicides

1 associated with that change. So we knew that that  
2 was a huge historical confounder that, when you're  
3 trying to tease apart the effect of the law overall  
4 in Maryland, you had to understand what was going on  
5 in Baltimore.

6 So we stratified our estimate of the  
7 effect of this law on gun homicides in the major  
8 urban counties other than Baltimore. That includes  
9 Baltimore County, Anne Arundel County, Montgomery  
10 County, Prince George's County, and we found a large  
11 and statistical significant decrease in gun homicide  
12 rates in those counties while a 25 percent increase  
13 in Baltimore, again, Baltimore influenced by the  
14 post-Freddie Gray riot data.

15 So to me the available data that we have  
16 right now suggests that the law is working as  
17 intended. It's preventing the diversions of guns  
18 for criminal misuse, and it's leading to fewer  
19 homicides with guns.

20 MR. SWEENEY: Could you reread my  
21 question, Kathleen, if you can find it?

22 (The reporter read back as requested.)

1 BY MR. SWEENEY:

2 Q. And your answer to my question is no, you  
3 have not; correct?

4 A. The answer to your question was we studied  
5 each of these laws separately and reported what we  
6 found. And as we discussed, there are differences  
7 in these laws, one of which is the fingerprint  
8 requirement with respect to difference between  
9 Missouri and Maryland.

10 Q. And the only thing that Missouri,  
11 Maryland, and D.C. have in common, and Connecticut  
12 have in common is that they all require a permit to  
13 purchase?

14 A. No. There are other things that Maryland  
15 shares with, certainly with Connecticut.

16 Q. With respect to the requirements of their  
17 permit-to-purchase law, the elements differ in each  
18 of those three states, so the only common  
19 denominator for the three states is that they all  
20 require a permit to purchase?

21 MR. SCOTT: Objection.

22 THE WITNESS: Maryland and Connecticut

1 both require safety training, and they both require  
2 fingerprints. So those two things, and they also  
3 require a point of sale background check  
4 requirement. So they are similar in those three  
5 respects.

6 BY MR. SWEENEY:

7 Q. And Missouri doesn't require those?

8 A. That's correct.

9 Q. So the three only have in common that the  
10 permit to purchase is required; correct?

11 MR. SCOTT: Objection.

12 THE WITNESS: Among all three, I will  
13 agree that what you said is factually correct.

14 BY MR. SWEENEY:

15 Q. And that Maryland differs from Missouri  
16 and Connecticut in that regard because, unlike  
17 Missouri and Connecticut, it does not require a  
18 direct application to law enforcement in order to  
19 obtain that permit; correct?

20 MR. SCOTT: Objection.

21 THE WITNESS: I'm not sure what to do.

22 MR. SCOTT: I'm objecting to the question.